

Adopted	Rejected
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COMMITTEE REPORT

YES:	11
NO:	0

MR. SPEAKER:

*Your Committee on Agriculture, Natural Resources and Rural Development, to which was referred House Bill 1031, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 14-26-2-23, AS ADDED BY P.L.64-2000,
- 4 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 5 UPON PASSAGE]: Sec. 23. The commission shall adopt rules in the
- 6 manner provided in IC 14-10-2-4 to do the following:
- 7 (1) Assist in the administration of this chapter.
- 8 (2) Provide objective standards for licensing:
- 9 (A) the placement of a temporary or permanent structure or
- 10 material; or
- 11 (B) the extraction of material;
- 12 over, along, or within a shoreline or waterline. The standards shall

exempt any class of activities from licensing if the commission finds that the class is unlikely to pose more than a minimal potential for harm to the public rights described in section 5 of this chapter.

(3) Establish a process under IC 4-21.5 for the mediation of disputes among riparian owners **or easement holders** or between a riparian owner **or an easement holder** and the department concerning the usage of an area over, along, or within a shoreline or waterline for a matter within the jurisdiction of this chapter.

The rule must provide ~~that~~ **the following:**

(A) If good faith mediation under the process fails to achieve a settlement, the department shall make a determination of the dispute. ~~and~~ **In making the determination the department shall consider and accommodate this chapter and the rules adopted under this chapter, including the public trust, with the correlative riparian rights and easement rights of affected persons. The determination may include an equitable allocation of uses where reasonably required by available space or resources.**

(B) A person affected by the determination of the department may seek administrative review by the commission.

(C) **A party to an action by the commission may seek judicial review in a county where the freshwater lake is located."**

Page 1, line 3, after "(a)" insert **"This section governs the interests between or among easement holders."**

Page 1, line 9, delete "fresh water" and insert **"freshwater"**.

Page 1, line 11, after "dock," insert **"a lift station, a platform,"**.

Page 1, line 13, delete "fresh water" and insert **"freshwater"**.

Page 2, line 1, delete "owned by one (1) or more persons, but not an" and insert **"controlled by a conservancy district, written permission is granted by the board of directors."**

Page 2, delete lines 2 through 3.

Page 2, line 4, after "dock," insert **"a lift station, a platform,"**.

Page 2, line 6, delete "fresh water" and insert **"freshwater"**.

Page 2, between lines 7 and 8 , begin a new paragraph and insert:

1 "(e) Where a plat, a subdivision, an addition, or other
2 identifiable parcel of land is served by an easement that provides
3 access to a public freshwater lake and the easement does not
4 provide effectively for the easement's management, a majority of
5 the freeholders (as defined by IC 14-8-2-104) who are benefitted
6 by the easement may form:

7 (1) an association established under IC 23-5 through
8 IC 23-10; or

9 (2) a conservancy district established under IC 14-33.

10 A conservancy district established under this subsection provides
11 beneficial water management under IC 14-33-1-1(a)(6).".

12 Renumber all SECTIONS consecutively.
 (Reference is to HB 1031 as introduced.)

and when so amended that said bill do pass.

